

EXHIBIT A.

SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: ST. JOSEPH HEALTH; ST. JOSEPH HOSPITAL EUREKA;
(AVISO AL DEMANDADO): REDWOOD MEMORIAL HOSPITAL; AARON BLUE, M.D.;
VERI FENMAN, D.O.; JOHN FRANKLIN, M.D.; OPEN DOOR COMMUNITY HEALTH
CENTERS; MATTHEW FUNK, M.D.; DAVID THICKMAN, M.D.; FRANCIS CUTRUZZOLA,
M.D. and DOES 1 through 60, inclusive,

YOU ARE BEING SUED BY PLAINTIFF: RICKI DALE DIERENFELDT,
(LO ESTÁ DEMANDANDO EL DEMANDANTE): FANNIE JANE
DIERENFELDT,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case, there may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto al desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que lo quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desochar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
HUMBOLDT COUNTY COURTS
825 Fifth Street, #231

CASE NUMBER
(Número del Caso) **DR 170239**

Eureka CA 95501

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
WILLIAM L. BRELSFORD 916-449-1300 916-449-1320
POSWALL, WHITE & BRELSFORD

1001 G STREET #301
SACRAMENTO CA 95814

DATE: APR 14 2017
(Fecha)

KIM M. BARTLESON

John B.

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación, use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): **UNITED STATES OF AMERICA**

- under:
- | | |
|--|---|
| <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.80 (authorized person) |
| <input type="checkbox"/> other (specify): | |

4. ☒ by personal delivery on (date): **3/7/18**

Page 1 of 1

Form Adopted for Mandatory Use
Judicial Council of California
SUI-100 (Rev. July 1, 2005)

SUMMONS

Legal
Solutions
Plus

Code of Civil Procedure §§ 412.20, 403

APR 17 2017

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

FEB 05 2018

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

WILLIAM L. BRESLFORD, SBN 202839
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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 IN AND FOR THE COUNTY OF HUMBOLDT

RICKI DALE DIERENFELDT,
 FANNIE JANE DIERENFELDT,

Plaintiffs,

vs.

ST. JOSEPH HEALTH;
 ST. JOSEPH HOSPITAL EUREKA;
 REDWOOD MEMORIAL HOSPITAL;
 AARON BLUE, M.D.;
 PERI PENMAN, D.O.;
 JOHN FRANKLIN, M.D.;
 OPEN DOOR COMMUNITY HEALTH
 CENTERS;
 MATTHEW FLUKE, M.D.;
 DAVID THICKMAN, M.D.;
 FRANCIS CUTRUZZOLA, M.D. and
 DOES 1 through 60, inclusive,

Defendants.

CASE NO. DR170239

AMENDMENT TO COMPLAINT

Upon the filing of the complaint, Plaintiffs, RICKI DALE DIERENFELDT and FANNIE JANE DIERENFELDT, were ignorant of the Defendant's name, stated that fact in the complaint, and designated the Defendant by a fictitious name. The Defendant's true name has now been discovered and Plaintiffs hereby amend the complaint by substituting the below true name for the fictitious name wherever it appear in the complaint:

TRUE NAME:


UNITED STATES OF AMERICA

FICTITIOUS NAME:

DOE 31

Dated: January 31, 2018

POSWALL, WHITE & BRELSFORD



WILLIAM L. BRESLFORD
Attorneys for Plaintiffs

1 Attorney for Francis Cutruzzola, M.D.:

Joseph S. Picchi

2 Galloway, Lucchese, Everson & Picchi

2300 Contra Costa Blvd., Suite 350

3 Pleasant Hill, CA 94523-2398

4 Attorney for David Thickman, M.D.:

Paul A. Brisso

5 MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

814 Seventh Street

6 Eureka, CA 95501

7
8 I declare under penalty of perjury under the laws of the State of California that the foregoing
9 is true and correct. Executed on January 31, 2018, at Sacramento, California.

10 
11 NOAMI MONCEAUX

FILED J
R
B
APR 14 2017

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 William L. Brelsford, Esq. SBN 202839
2 POSWALL, WHITE & BRELSFORD
3 1001 G Street, Suite 301
4 Sacramento, California 95814
5 Telephone: (916) 449-1300
6 Facsimile: (916) 449-1320

7 Attorneys for Plaintiffs

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF HUMBOLDT

11 RICKI DALE DIERENFELDT,
12 FANNIE JANE DIERENFELDT,

13 Plaintiffs,

14 vs.

15 ST. JOSEPH HEALTH;
16 ST. JOSEPH HOSPITAL EUREKA;
17 REDWOOD MEMORIAL HOSPITAL;
18 AARON BLUE, M.D.;
19 PERI PENMAN, D.O.;
20 JOHN FRANKLIN, M.D.;
21 OPEN DOOR COMMUNITY HEALTH
22 CENTERS;
23 MATTHEW FLUKE, M.D.;
24 DAVID THICKMAN, M.D.;
25 FRANCIS CUTRUZZOLA, M.D. and
26 DOES 1 through 60, inclusive,

27 Defendants.

CASE NO.

DR 170239

COMPLAINT FOR DAMAGES
(Personal Injury - Medical Malpractice)

28 Plaintiffs, RICKI DALE DIERENFELDT and FANNIE JANE DIERENFELDT,
complain of defendants, and each of them, for an amount in excess of \$25,000.00 and in
excess of the minimum jurisdictional limits of this Court, and alleges as follows:

FIRST CAUSE OF ACTION
(Medical Malpractice)

1. The true names and capacities, whether individual, corporate, associate or

1 otherwise, of the defendants, DOES 1 through 60, inclusive, are unknown to Plaintiff, who
2 therefore sues such defendants by such fictitious names, and Plaintiff will amend this
3 complaint to show their true names and capacities when the same have been ascertained.
4 Plaintiff is informed and believes and thereon alleges that each of the defendants, DOES
5 1 through 60, inclusive, is responsible under law in some manner, negligently, in warranty,
6 strictly, or otherwise, for the events and happenings herein referred to and proximately
7 thereby caused injuries and damages to Plaintiff as herein alleged.

8 2. Plaintiff is now, and at all times herein mentioned was, a citizen of and
9 resident within the State of California, and the defendants, and each of them, are now, and
10 at all times herein mentioned were, citizens of and residents within the State of California,
11 and the amount in controversy exceeds the minimum jurisdictional limits of the Court.

12 3. Plaintiff is informed and believes and thereon alleges that, at all times herein
13 mentioned, each of the defendants were the agents, employees, principals or employers
14 of each of the remaining defendants and were at all times relevant, acting within the course
15 and scope of said relationships and each defendants have authorized, ratified and
16 approved the acts of each of the remaining defendants.

17 4. That defendants ST. JOSEPH HEALTH, and DOES 1 through 5, and each
18 of them, are now, and at all times herein mentioned were, California business entities, as
19 a corporation, association, partnership or other type of business entity, doing business as
20 a hospital and clinic, and plaintiffs will ask leave to insert the correct designation when the
21 same has been ascertained.

22 5. That defendants ST. JOSEPH HOSPITAL EUREKA, and DOES 6 through
23 10, and each of them, are now, and at all times herein mentioned were, California business
24 entities, as a corporation, association, partnership or other type of business entity, doing
25 business as a hospital and clinic, and plaintiffs will ask leave to insert the correct
26 designation when the same has been ascertained.

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1 6. That defendants REDWOOD MEMORIAL HOSPITAL, and DOES 11 through
2 15, and each of them, are now, and at all times herein mentioned were, California business
3 entities, as a corporation, association, partnership or other type of business entity, doing
4 business as a hospital and clinic, and plaintiffs will ask leave to insert the correct
5 designation when the same has been ascertained.

6 7. Defendant AARON BLUE, M.D., and DOES 16 through 20, inclusive, and
7 each of them, are physicians and surgeons licensed to practice and practicing medicine
8 in the State of California.

9 8. Defendant PERI PENMAN, D.O., and DOES 21 through 25, inclusive, and
10 each of them, are physicians and surgeons licensed to practice and practicing medicine
11 in the State of California.

12 9. Defendant JOHN FRANKLIN, M.D., and DOES 26 through 30, inclusive, and
13 each of them, are physicians and surgeons licensed to practice and practicing medicine
14 in the State of California.

15 10. That defendants OPEN DOOR COMMUNITY HEALTH CENTERS, and
16 DOES 31 through 35, and each of them, are now, and at all times herein mentioned were,
17 California business entities, as a corporation, association, partnership or other type of
18 business entity, doing business as a hospital and clinic, and plaintiffs will ask leave to insert
19 the correct designation when the same has been ascertained.

20 11. Defendant MATTHEW FLUKE, M.D., and DOES 36 through 40, inclusive,
21 and each of them, are physicians and surgeons licensed to practice and practicing
22 medicine in the State of California.

23 12. Defendant DAVID THICKMAN, M.D., and DOES 41 through 45, inclusive,
24 and each of them, are physicians and surgeons licensed to practice and practicing
25 medicine in the State of California.

26 13. Defendant FRANCIS CUTRUZZOLA, M.D., and DOES 46 through 50,
27 inclusive, and each of them, are physicians and surgeons licensed to practice and
28 practicing medicine in the State of California.

1 14. Defendants DOES 51 through 60 at all times herein mentioned, were nurses,
2 technicians, assistants or other medical practitioners practicing in the State of California.

3 15. On or about April 18, 2016, Plaintiff, RICKI DALE DIERENFELDT went to the
4 Emergency Department at ST. JOSEPH HOSPITAL, with complaints of low back pain
5 radiating into the groin, hip, leg, pelvis and abdomen areas. During the times herein
6 mentioned, the defendants, and each of them, negligently cared for, diagnosed, and
7 treated Plaintiff and failed to exercise the standard of care and skill ordinarily and
8 reasonably required of physicians, surgeons, hospitals, nurses, etc., which proximately
9 caused the hereinafter described injuries and damages to Plaintiff.

10 16. On or about April 18, 2016, and thereafter, defendants, and each of them,
11 were negligent in providing proper care causing Plaintiff RICKI DALE DIERENFELDT great
12 pain and suffering.

13 17. As a proximate result of the said negligence and carelessness of the
14 defendants, and each of them, Plaintiff was hurt and injured in his health, strength and
15 activity, sustaining injury to his body and shock and injury to his nervous system and
16 person, all of which said injuries have caused and continue to cause Plaintiff great mental,
17 physical and nervous pain and suffering. Plaintiff is informed and believes and therefore
18 alleges that said injuries will result in some permanent disability to Plaintiff, all to his
19 general damage in an amount in excess of the minimum jurisdictional limits of this Court.

20 18. As a further proximate result of the negligence of defendants, and each of
21 them, Plaintiff was required to and did employ, physicians and surgeons to examine, treat
22 and care for her and did incur, and will in the future incur, medical and incidental expenses.
23 The exact amount of such expense is unknown to Plaintiff at this time, and Plaintiff shall
24 seek leave to amend this pleading when the same has been ascertained by him.

25 19. As a further proximate result of the said negligence of the defendants, and
26 each of them, Plaintiff was prevented from attending to his usual occupation, employment
27 opportunities, benefits and advantages, and Plaintiff is informed and believes and thereon
28 alleges that he will thereby be unable to attend to his usual occupation, employment

opportunities, benefits and advantages at times in the future, and as a proximate result thereof, will sustain a loss with regard to his past and future wages and benefits, as well as his earning capacity.

WHEREFORE, Plaintiff prays for judgment against the defendants, and each of them, as follows:

- i. For general damages in a sum in excess of the minimum jurisdictional limits of this Court;
- ii. For medical and incidental expenses according to proof;
- iii. For all costs of suit incurred herein;
- iv. For loss of earnings according to proof;
- v. All prejudgment interest on general and special damages from the date of the incident of the present complaint; and
- vi. For such other and further relief as this Court may deem just proper.

SECOND CAUSE OF ACTION
(Loss of Consortium)

20. Plaintiffs incorporate by reference paragraphs 1 through 19 as if fully set forth herein.

21. At all times herein mentioned, Plaintiffs, RICKI DALE DIERENFELDT and FANNIE JANE DIERENFELDT, were and now are husband and wife.


22. As a direct and proximate result of said negligence and carelessness of defendants, and each of them, and of Plaintiff RICKI DALE DIERENFELDT's resulting injuries, Plaintiff, FANNIE JANE DIERENFELDT, has been deprived of the services of her said husband by reason of his inability to carry out his usual duties and loss of consortium. Plaintiff, FANNIE JANE DIERENFELDT, is informed and believes and thereon alleges that said injuries to Plaintiff, RICKI DALE DIERENFELDT, are of a permanent nature, and that she will be deprived of his said services, love, affection, comfort, care and society for a long period in the future, all to her further damage in an amount in excess of the minimum jurisdictional limits of this Court.

1 WHEREFORE, Plaintiffs prays for judgment against Defendants, and each of them,
2 as follows:

- 3 i. For general damages in a sum in excess of the minimum jurisdictional
4 limits of this Court;
5 ii. For all costs of suit incurred herein; and
6 iii. For such other and further relief as this Court may deem just and
7 proper.

8 DATED: April 13, 2017

POSWALL, WHITE & BRELSFORD

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11 WILLIAM L. BRELSFORD
12 Attorneys for Plaintiffs
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